

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JASON THOMAS,

No. C 08-2397 WDB

Plaintiff.

ORDER GRANTING LEAVE TO FILE  
REPLY LETTER

v.

TD AMERITRADE, INC.,

Defendant.

The Court has reviewed the correspondence dated April 8, 2009, from Michael Singer, counsel for plaintiff Gregory O'Donnell in the arbitration proceeding entitled *O'Donnell v. TD Ameritrade, Inc.*, and the subsequent correspondence dated April 8, 2009, from defense counsel, and April 9, 2009, from Plaintiff's counsel in this case.

Mr. Singer alleges that Defendant failed to notify either the District Court for the Southern District of California of the above-captioned action, or this Court of the *O'Donnell* proceeding, in violation of the courts' local rules. Aside from any request for disciplinary measures at this time, the Court grants Mr. O'Donnell and his attorneys leave to file a reply letter in response to the letters filed by counsel for Mr. Thomas and TD Ameritrade, to address the question of whether any putative class member's rights would be compromised or prejudiced by *preliminary approval* of the parties' settlement of this action. Mr. O'Donnell may file his responsive letter by Monday, April 20, 2009.

IT IS SO ORDERED.

Dated: April 13, 2009

  
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WAYNE D. BRAZIL  
United States Magistrate Judge